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No. 84-571

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In the Supreme Court

OF THE

United States

OCTOBER TERM, 1984

HARRY N. WALTERS, Administrator of Veterans
Administration; THE UNITED STATES OF AMERICA;
THE VETERANS ADMINISTRATION; PAUL D. ISING, Director,
Northern California Regional Office, Veterans
Administration,
Appellants,

VS.

NATIONAL ASSOCIATION OF RADIATION SURVIVORS, a California
non-profit corporation; SWORDS TO PLOWSHARES VETERANS
RIGHTS ORGANIZATION, a non-profit corporation;
DON E. CORDRAY, an individual; ALBERT R. MAXWELL, an
individual; REASON F. WAREHIME, an individual;
DORIS WILSON, an individual,
Appellees,
and AMERICAN G.I. FORUM, a national
non-profit corporation,
Intervenor-Appellee.

**Direct Appeal From the United States District Court
For the Northern District of California**

MOTION TO AFFIRM

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**INTERVENOR-APPELLEE'S JOINDER
IN MOTION TO AFFIRM**

The American G.I. Forum, Intervenor-Plaintiff below
and Appellee herein, fully joins in the "Motion to Affirm"
filed by Appellees National Association of Radiation Sur-
vivors, *et al.*

The American G.I. Forum, the nation's largest Hispanic
membership organization, in joining the motion to affirm
incorporates by reference the record and arguments pre-

sented by the other appellees herein and offers the following three brief observations in support thereof:

1. The Appellants' Jurisdictional Statement is an elaborate and skilled legal camouflage of a reality that no court, particularly this Court, can or should ignore. In an increasingly complex society, governed by increasingly obscure and changing statutes, regulations and informal codifications of procedures, it is a rare individual, even in a so-called "non-adversarial" system, who is better off without a skilled lawyer. This is particularly so when the class of persons consists of a large number of non-high school graduates and few college graduates and, by definition, many who are physically and mentally disabled.

2. The arguments in favor of the paternalism that underpin the Appellants' position are contrary to the free market principles and consumer free choice philosophy that pervades comparable briefs filed by the Attorney General and Solicitor General in the federal courts during the last four years. As a consequence, the Solicitor General offers no justification for distinguishing between the need for paternalism here, where it is *unwanted*, and other antitrust and consumer cases before this Court where the Solicitor General urges a free market even if the affected parties oppose such.

3. In a judicial era where criminals are guaranteed the right to counsel and the poorest welfare recipient is permitted even in the simplest of cases to have counsel in suits against the government, it is exceedingly difficult, if not impossible, to appreciate the rationale or justification for abridging the First and Fifth Amendment rights of those who have fought to make those rights possible for all Americans.

Dated: November 8, 1984

Respectfully submitted,

ROBERT L. GNAIZDA

*Attorney for Intervenor-Appellee
(American G.I. Forum)*